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AO 100 (Rev. 04/10) Application for a Search Warrant

AUG 12 2013

## UNITED STATES DISTRICT COURT

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

for the

Western District of Washington

In the Matter of the Search of

(Briefly describe the property to be searched  
or identify the person by name and address)

US Mail Parcel, bearing confirmation number

EU900372338US

Case No.

MJ13-403

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

US Mail Parcel, bearing confirmation number EU900372338US as more fully described in Attachment A.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 21, U.S.C. § 841	Distribution of Controlled Substances & Unlawful Use of a Communications
Title 21, U.S.C. § 843	Facility, (U.S. Mails) to Distribute Controlled Substances.

The application is based on these facts:

See affidavit of Nelson Rivera, U.S. Postal Inspector

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Nelson Rivera, U.S. Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date:

Aug. 12, 2013



Judge's signature

City and state: Seattle, Washington

Mary Alice Theiler

U.S. Magistrate Judge

Printed name and title

1 STATE OF WASHINGTON )  
 2 ) ss  
 3 COUNTY OF KING )  
 4

5 **AFFIDAVIT**

6 NELSON RIVERA, being first duly sworn on oath, deposes and says:

7 **BACKGROUND**

8 1. **Affiant Background.** I am a U.S. Postal Inspector with the United States  
 9 Postal Inspection Service (USPIS) and have been so employed since February, 2012. I  
 10 am currently assigned to the Seattle Division, Prohibited Mails Narcotic Team, where I  
 11 investigate controlled substances transported via the United States mails. I completed a  
 12 twelve week Basic Inspector Training course in Potomac, Maryland, which included  
 13 training regarding transportation of narcotics via the U.S. mails. I have also received  
 14 training on the identification and interdiction of controlled substances. Prior to becoming  
 15 a Postal Inspector, I served as an Officer in the United States Coast Guard for 14 years. I  
 16 completed a six week Basic Boarding Officer course in 2004 at the Federal Law  
 17 Enforcement Training Center in Charleston. I worked in maritime narcotics interdictions  
 18 for six years. I hold a Bachelor of Science degree from the University of Puerto Rico in  
 19 Biology.

20 2. **Duties, Training & Experience.** As part of my duties, I investigate the  
 21 use of the U.S. mails to illegally mail and receive controlled substances, the proceeds of  
 22 drug trafficking, as well as other instrumentalities associated with drug trafficking, in  
 23 violation of Title 21, United States Code, Sections 841(a)(1) (distribution and possession  
 24 with intent to distribute controlled substances), and 843(b) (unlawful use of a  
 25 communication facility, including the U.S. mails, to facilitate the distribution of  
 26 controlled substances). As set forth below, my training and experience includes  
 27 identifying parcels with characteristics indicative of criminal activity. During the course  
 28 of my employment with the USPIS, I have participated in multiple criminal  
 investigations involving suspicious parcels and controlled substances.

1           3.     The information contained in this affidavit is based upon knowledge I  
2 gained from my investigation, and my personal observations, my training and experience,  
3 and investigation by other Inspectors, agents, and officers. Because the purpose of this  
4 affidavit is limited to setting forth probable cause to search the subject parcel, I have not  
5 set forth every fact of which I am aware pertaining to the investigation.

6           4.     From my training and experience, I am aware that the United States Postal  
7 Service (USPS) mail system is often used to transport controlled substances and/or the  
8 proceeds from the sales of controlled substances throughout the United States. I have  
9 learned and observed that sometimes drug traffickers put controlled substances and  
10 proceeds in the same package. I also know that drug traffickers prefer mail/delivery  
11 services such as Express Mail and Priority Mail Delivery Confirmation because of the  
12 reliability of these services as well as the ability to track the article's progress to the  
13 intended delivery point. When a drug trafficker learns that a mailed article has not  
14 arrived as scheduled, he/she becomes suspicious of any delayed attempt to deliver the  
15 item.

16           5.     In addition, I am aware that the USPS Express Mail service was custom-  
17 designed to fit the needs of businesses by providing overnight delivery for time sensitive  
18 materials. Business mailings often contain typewritten labels, are in flat cardboard  
19 mailers, and usually weigh less than eight (8) ounces. In addition, businesses using  
20 corporate charge accounts often print their account number on the Express Mail label in  
21 order to expedite transactions with USPS.

22           6.     Based on my training and experience concerning the use of Express Mail  
23 for the transportation of controlled substances and/or the proceeds from the sales of  
24 controlled substances, I am aware these packages usually contain some or all of the  
25 following characteristics (which are different than characteristics of packages being sent  
26 by legitimate businesses):

27               a.     Unlike typical Express Mail business mailings which usually have  
28 typed labels, packages containing controlled substances and/or proceeds often have  
handwritten address information. In addition, the address information often contains

1 misspelled words or incomplete/incorrect addresses. This is done in an effort to help  
2 conceal the identities of the individuals involved.

3           b.     The handwritten label on Express Mail packages containing  
4 controlled substances and/or proceeds does not contain a business account number and/or  
5 credit card number. This is an indication that the sender likely paid cash. A credit card  
6 or business account number would more likely enable law enforcement officers to  
7 connect the package to identifiable individuals.

8           c.     Express Mail packages containing controlled substances and/or  
9 proceeds often stand out from typical business mailings as they do not bear any  
10 advertising on the mailing container/box, and are usually being mailed from one  
11 individual to another.

12           d.     The sender and/or recipient addresses on Express Mail or Priority  
13 Mail packages containing controlled substances and/or proceeds often either are  
14 fictitious, or are persons unknown to postal personnel familiar with the addresses listed.

15           e.     The zip codes for the sender addresses on Express Mail or Priority  
16 Mail packages containing controlled substances and/or proceeds are often different from  
17 the zip codes of the post offices from where the parcels were mailed.

18           f.     Express Mail or Priority Mail packages containing controlled  
19 substances and/or proceeds are heavily taped with tape on the seams of the parcel, in an  
20 effort to conceal scent.

21           g.     Express Mail packages containing controlled substances and/or  
22 proceeds include a waiver of signature. As a general matter, Express Mailings require a  
23 signature confirming receipt. Therefore, if a sender does not want a confirmation  
24 signature, he/she must affirmatively waive this requirement by checking a box.

25           7.     Inspectors who encounter a package with any or all of the above  
26 characteristics often further scrutinize the package by, among other things, running  
27 address verifications in law enforcement databases, and conducting trained narcotic-  
28 detecting canine examinations.

#### ITEM TO BE SEARCHED

29 This affidavit is made in support of an application for a search warrant for one USPS  
30 Express Mail parcel, hereinafter referred to as "SUBJECT PARCEL." This parcel is  
31 believed to contain controlled substances or proceeds from the sale of controlled

1 substances. The SUBJECT PARCEL is further described as follows: One Express Class  
 2 parcel addressed to "Jose Luis Garnica Melgoza, 4200 30th Ave SW Apt #3, Seattle WA  
 3 98126." This parcel is a flat rate Express Mail Envelope measuring approximately 12.5"  
 4 x 9.5." This parcel is postmarked August 7, 2013, from zip code 90057, and carries  
 5 \$19.95 in postage. The delivery confirmation number is EU900372338US.

### 7 **ITEMS TO BE SEIZED**

8 8. The affiant requests that law enforcement officers and agents be authorized  
 9 to seize the following from the SUBJECT PARCEL, which constitute the fruits,  
 10 instrumentalities, and evidence of mailing and distribution of controlled substances in  
 11 violation of Title 21, United States Code, Sections 841(a)(1) (distribution and possession  
 12 with intent to distribute a controlled substance) and 843(b) (unlawful use of a  
 13 communication facility, including the U.S. mails, to facilitate the distribution of a  
 14 controlled substance):

15 a. Controlled substances, including, but not limited to, cocaine, crack  
 16 cocaine, heroin, hashish, marijuana, methamphetamine, MDMA, methadone, oxycodone,  
 17 and Oxycontin;

18 b. Monetary instruments, including but not limited to, currency, money  
 19 orders, bank checks, or gift cards;

20 c. Controlled substance-related paraphernalia;

21 d. Documentary evidence relating to the purchase, sale, and/or  
 22 distribution of controlled substances;

23 e. Notes, letters and other items which communicate information  
 24 identifying the sender and/or recipient or pertaining to the contents of the mailing; and

25 f. Fingerprints and/or handwriting, to identify who handled and/or  
 26 mailed the package.  
 27  
 28

**THE INVESTIGATION**

9. On August 8, 2013, U.S. Customs and Border Patrol (CBP) Officer Adam Chavez and I were performing an Express Mail interdiction at the United States Postal Service mail facility located at Tukwila Processing and Distribution Center (P&DC), 10700 27th Ave. S., Tukwila, Washington. The emphasis for the interdiction was targeting inbound Express Mail Parcels containing controlled substances and/or monetary proceeds derived from illegal drug trafficking activity.

10. At approximately 07:45 AM, I observed an inbound Express Mail envelope, the SUBJECT PARCEL, with a signature waiver, hand written label, and no business account numbers referenced on the package.

11. The SUBJECT PARCEL was mailed from California, a known source state for narcotics trafficking.

12. In addition, I know that the Seattle area is a source city for marijuana and other narcotics and that proceeds from narcotics are shipped from other parts of the United States to Seattle using the United States Postal Service (USPS).

13. I performed additional research concerning the sender listed on the SUBJECT PARCEL by utilizing USPS and law enforcement databases. I learned that the name Ruben Sanchez is not associated with the address 8844 S. Westlake Ave in Los Angeles, California. Further, the name Jose Luis Garnica Melgoza is not associated with the address 4200 30th Avenue S.W. Apt #3 in Seattle, Washington. Officers conducted a "Knock and Talk" of the residence located in 4200 30<sup>th</sup> Avenue SW Apt #3 in Seattle WA to gain more information about the intended recipient of the SUBJECT PARCEL. At the time the "Knock and Talk" was attempted, there appeared to be at least one person inside the home. But no one responded when the officers knocked on the door.

14. Based upon this information, on August 8, 2013, CBP Officer Chavez applied "Pedro," a narcotic-detection dog, to the SUBJECT PARCEL. Officer Chavez's affidavit describing Pedro's training and qualifications is attached to this Affidavit and incorporated by reference.

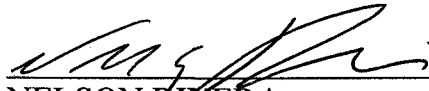


1        15. I placed the SUBJECT PARCEL in position #1 and 4 other "control"  
2 parcels, which did not contain any controlled substances, at the remaining positions in a  
3 line of five. CBP Officer Chavez applied Pedro to each of the five parcels.

4        16. As Pedro approached the SUBJECT PARCEL, CBP Officer Chavez  
5 immediately observed a change of behavior. As set forth in Officer Chavez's Affidavit,  
6 he observed Pedro engage in a number of behaviors, including scratching at the outside  
7 of the SUBJECT PARCEL, indicating the positive odor of narcotics emitting from the  
8 parcel.

CONCLUSION

17. Based on the facts set forth in this Affidavit, as well as the affidavit of CBP Officer Chavez, I believe there is probable cause to conclude that the SUBJECT PARCEL contains controlled substances, currency, documents, or other evidence, more fully identified in Attachment B, that relates to the mailing and distribution of controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) (distribution and possession with intent to distribute controlled substances) and 843(b) (unlawful use of a communication facility, including the U.S. mails, to facilitate the distribution of controlled substances).



NELSON RIVERA

U.S. Postal Inspector, US Postal Inspection Service

SUBSCRIBED AND SWORN to before me this 12<sup>th</sup> day of August, 2013.



MARY ALICE THEILER

United States Magistrate Judge



**ATTACHMENT A**

**Parcel to be searched**

One Express Class parcel addressed to "Jose Luis Garnica Melgoza, 4200 30th Ave SW Apt #3, Seattle WA 98126", with a return address of "Ruben Sanchez, 844 S Westlake Ave, L.A., CA 90057." This parcel is a flat Express Mail envelope measuring approximately 12.5" x 9.5" with a weight of approximately 7 oz. This parcel is postmarked August 7, 2013, from zip code 90057 in Los Angeles, California and carries \$19.95 in postage. The delivery confirmation number is EU900372338US.

ATTACHMENT A  
PARCEL TO BE SEARCHED

**ATTACHMENT B**

**Items to be seized**

The following items that constitute evidence, instrumentalities, or fruits of violations of Title 21, United States Code, Section(s) 841(a)(1) and 843(b), distribution of controlled substances, and use of the mail to transport controlled substances:

a. Controlled substances, including, but not limited to, cocaine, crack cocaine, heroin, hashish, marijuana, methamphetamine, MDMA, methadone, oxycodone, and Oxycontin;

b. Monetary instruments, including but not limited to, currency, money orders, bank checks, or gift cards;

c. Controlled substance-related paraphernalia;

d. Documentary evidence relating to the purchase, sale, and/or distribution of controlled substances;

e. Notes, letters and other items which communicate information identifying the sender and/or recipient or pertaining to the contents of the mailing; and

f. Fingerprints and/or handwriting, to identify who handled and/or mailed the package.



**U.S. Customs and Border Protection  
Department of Homeland Security**

**Canine Enforcement Office**  
19339 28<sup>th</sup> Ave. S. Bldg. D  
Sea-Tac, WA 98188

## **AFFIDAVIT**

I, Adam J. Chavez, am a Canine Officer with U.S. Customs and Border Protection, assigned to the Seattle-Tacoma area. My assigned canine "Pedro" CH-62 was initially certified with me at the Customs and Border Protection's Canine Center of Front Royal in October of 2008 after successfully completing the U.S. Customs and Border Protection detection canine training academy. Canine "Pedro" was trained to detect the odors of cocaine, marijuana, heroin, methamphetamine, hashish, ecstasy, and their derivatives. I and canine "Pedro" maintain our annual certification through the Customs and Border Protection regulations. This certification is a comprehensive test designed to measure the ability of the dog and the handler in searching for and indicating the presence of controlled substances. This certification consists of searches administered in different environments with a variety of distractions and is designed to duplicate actual field conditions which may be encountered by the canine team. Canine "Pedro" must pass 12 of the 12 controlled finds which equates to a 100% accuracy.

I and canine "Pedro" participate in maintenance training which is no less than 16 hours per month. On-going training includes:

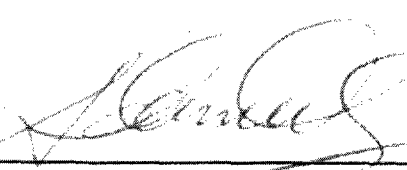
- Training in all areas of interdiction, such as vehicles, boats, schools, currency, parcels and mail, airports, bus and bus depots, storage units, residences, motels, apartments, etc;
- Training on various quantities of controlled substances, ranging from grams to pounds;
- Training on controlled negative (blank) testing, in which all objects or locations have no contraband present;
- Conflict training, which proofs the dog and prevents him from alerting to common items associated with controlled substances, such as plastic bags, etc., and/or reward objects or toys.

CBP maintains training records of the on-going training. All training records and certifications are constantly maintained and up to date and current. The dogs are given a rating at each training day that is maintained for 90 days. The ratings for each training day are based on unsatisfactory, poor, fair, average, good, or excellent performance. Canine "Pedro" has maintained a rating of "Good" over the last 90 days. Canine "Pedro" is trained with a positive response/indication (scratching or biting), with a rolled up towel being his reward.

On August 8, 2013 at 1009 at the Inspection Service office located on the Processing and Distribution Center (P&DC) at 10700 27TH AVE S. in Tukwila, WA 98168. I along with canine "Pedro" searched five packages that were placed for inspection, four controlled packages and one suspect package. Canine "Pedro" alerted to USPS parcel tracking number EU900372338US which was in position # 1. The package was mailed from Los Angeles CA on August 7, 2013. The USPS parcel is being shipped from Ruben Sanchez, 844 S Westlake Ave., L.A., CA 90057 to Jose Luis Garnica Melgoza, 4200 30<sup>th</sup> Ave SW Apt #3, Seattle WA 98126

I have been a Canine Officer since April 1991.

Signed



Date

8/12/13

Adam J Chavez

Customs and Border Protection Officer (K-9)

U.S. Customs and Border Protection

Seattle, WA

(206) 396-1817 (cell)

adam.j.chavez@cbp.dhs.gov